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19 [Other counsel listed on signature pages]

20 **UNITED STATES DISTRICT COURT**

21 **NORTHERN DISTRICT OF CALIFORNIA**

22 SAN FRANCISCO NAACP, et al.,

23 Case No. C-78-1445-WHA

24 Plaintiffs,

25 v.

26 SAN FRANCISCO UNIFIED SCHOOL  
27 DISTRICT, et al.,

28 Defendants.

29 BRIAN HO, by his parent and next friend,  
30 CARL HO, et al.,

31 Related Case No. C-94-2418-WHA

32 Plaintiffs,

33 v.

34 SAN FRANCISCO UNIFIED SCHOOL  
35 DISTRICT, et al.,

36 Defendants.

37 **STIPULATION, APPLICATION, AND  
38 ~~PROPOSED~~ ORDER GRANTING  
39 SUPPLEMENTAL AWARD OF ATTORNEYS'  
40 FEES TO HO PLAINTIFFS FOR PERIOD  
41 THROUGH NOVEMBER 30, 2005**

1 Pursuant to the Order re Ho Plaintiffs' Supplemental Award of Attorneys' Fees Through  
 2 November 30, 2005, filed December 1, 2005, the Ho Plaintiffs; the San Francisco Unified School  
 3 District, Superintendent of the San Francisco Unified School District, and San Francisco Board of  
 4 Education ("Local Defendants"); and the State Superintendent of Public Instruction and State  
 5 Department of Education ("State Defendants") hereby stipulate, through their respective counsel:

6 1. That the Local Defendants' counsel and State Defendants' counsel have reviewed  
 7 detailed records showing work done and time spent by the Ho Plaintiffs' counsel in the Ho case from  
 8 January 1, 2004 through November 30, 2005 ("Covered Period");

9 2. That as prevailing parties in the Ho case, the Ho Plaintiffs are entitled to reasonable  
 10 attorneys' fees for work done during the Covered Period;

11 3. That the Local Defendants' counsel and State Defendants' counsel are familiar with the  
 12 work performed by the Ho Plaintiffs' counsel during the Covered Period;

13 4. That the Ho Plaintiffs' counsel, Local Defendants' counsel, and State Defendants'  
 14 counsel have discussed the amount requested by the Ho Plaintiffs for fees during the Covered Period  
 15 and have negotiated a reduction in the requested amount to \$112,711.23;

16 5. That \$112,711.23 represents a fair and reasonable award for fees incurred by the Ho  
 17 Plaintiffs during the Covered Period, and that settlement of the fee request will spare the Court and the  
 18 parties the effort and expense of further litigation;

19 6. That the Local Defendants shall pay 87.5 percent of the total amount (\$98,622.33), and  
 20 the State Defendants shall pay 12.5 percent (\$14,088.90), such amounts representing a fair and  
 21 reasonable allocation of responsibility between the Local Defendants and State Defendants for such  
 22 fees;

23 7. That if approved, this stipulation represents a full and final settlement of the Ho  
 24 Plaintiffs' claim for fees incurred during the Covered Period, and that they will not seek payment of any  
 25 of those fees from the San Francisco NAACP.

26 WHEREFORE, the Ho Plaintiffs, State Defendants, and Local Defendants respectfully request  
 27 that pursuant to 42 U.S.C. § 1988, the Court approve this stipulation and application for a supplemental  
 28 award of attorneys' fees and costs to the Ho Plaintiffs and enter the proposed order below.

STIP., APPLICATION & ORDER GRANTING SUPPL. AWARD OF ATTORNEYS' FEES TO HO PLAINTIFFS  
 Related Case Nos. C-78-1445-WHA, C-94-2418-WHA

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1 Dated: December 15, 2005

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19 Attorneys for Plaintiff Class in Ho

20 Dated: December 15, 2005

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9 Dated: December 15, 2005

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~~PROPOSED~~  
**ORDER APPROVING STIPULATION AND APPLICATION FOR  
SUPPLEMENTAL AWARD OF ATTORNEYS' FEES AND COSTS TO HO PLAINTIFFS**

Good cause having been shown, and pursuant to 42 U.S.C. § 1988, the Court approves the foregoing stipulation and grants the foregoing application for an award of attorneys' fees and costs incurred by the Ho Plaintiffs from January 1, 2004 through November 30, 2005.

Therefore, it is hereby ordered that:

1. The Local Defendants and State Defendants shall pay the Ho Plaintiffs the total amount of \$112,711.23 for attorneys' fees incurred from January 1, 2004 through November 30, 2005.

2. The Local Defendants shall pay 87.5 percent of the total amount (\$98,622.33), and the State Defendants shall pay 12.5 percent (\$14,088.90), such amounts representing a fair and reasonable allocation of responsibility between the Local Defendants and State Defendants for such fees.

3. All payments shall be made to Girard, Gibbs & DeBartolomeo, LLP, who shall distribute the fees to Ho Plaintiffs' counsel.

5. With respect to the SFUSD, the SFUSD shall make its payments to Ho Plaintiffs' counsel on the following schedule:

a. By January 31, 2006, SFUSD shall pay \$24,656.00.

b. On or before July 1, 2006, SFUSD shall pay \$73,966.00.

6. The Court shall retain jurisdiction for the limited purpose of insuring compliance with this stipulation and these orders for payment of attorneys' fees and costs.

IT IS HEREBY FURTHER ORDERED that the amounts herein ordered to be paid by the SFUSD, its Board of Education and its Superintendent shall be deemed to be “court mandated costs” within the meaning of former California Education Code Sections 42243.6 and 42249, and any other applicable provision of California law, and the San Francisco Unified School District shall be entitled to submit its claim for reimbursement immediately and be reimbursed forthwith.

December 16, 2005  
DATED:

THE HONORABLE WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE

